

FOOD STAMP PROGRAM

REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the FS 24 for your records. For counties asking for policy interpretations, submit the question directly to a FRAT representative via e-mail. For other organizations (e.g., Quality Control, Administrative Law Judges), submit questions directly to the Food Stamp Policy Implementation Unit or Employment and Special Projects Unit representative via e-mail.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Immediate Need/Emergency Services <input type="checkbox"/> Other:		Initial request - August 2012	Decision due 8-13-2012
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		State Hearings Division	
4. REGULATION CITE(S): 7 CFR 273.3(a); MPP 42-400; 63-401.1; MPP 63-300(e)(5);		7. SUBJECT: Overpayments/Overissuances	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY): Can the county collect an overpayment/overissuance based on a lack of residency at the time of application for the benefit?		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	

10. REQUESTOR'S PROPOSED ANSWER:

Sent under separate cover

11. FRAT RESPONSE TO COUNTY QUESTION:

12. STATE POLICY RESPONSE (FSPIU USE ONLY):

Information contained in the Placer County Department of Human Services Statement of Position clearly established that the claimant was living in Sacramento County at the time of her application (11/24/09) and interview (12/15/09) for CalFresh, CalWORKs, and Medi-Cal in Placer County. MPP 63.401.1 states "A household must be living in the county in which it files an application for participation." Though not a resident of the County at the time of application, the claimant is considered categorically eligible(CE) for all CalFresh benefits issued subsequent to December, 2009, per 7CFR 273.2(j)(2), due to the county issuing a CalWORKs grant. According to page #24513 of the Federal Register (FR) Vol. 54, No. 108 dated June 7, 1989: 'For claims purposes, [CE] cannot be rescinded retroactively... [the household] would be considered to have been properly eligible for food stamps for claims purposes even if its PA or SSI eligibility was subsequently determined improper.'

The FR goes on to state 'Although [CE] cannot be rescinded retroactively, a claim to correct an improper benefit level can be

FOR FRAT USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY:	DATE FORWARDED TO STATE:
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12. STATE POLICY RESPONSE (FSPIU USE ONLY): (continued)

The FR goes on to state 'Although [CE] cannot be rescinded retroactively, a claim to correct an improper benefit level can be established against a [CE] household whose PA or SSI eligibility is subsequently determined improper if the reason... for ineligibility was additional household income or changes in household size and/or deduction which directly affect the calculation of the food stamp benefit amount.' Subsequently, the county must establish a case under this premise to recoup the over-issuance for the time period 11/09-12/11.